

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

November 6, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, NOVEMBER 6, 2015, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Council of the County of Maui will please come to order.

Clerk, will you please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, we have nine Members present. A quorum is present to conduct business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk. And for opening remarks this morning, we have remarks from Mr. Victorino.

OPENING REMARKS

The opening remarks were offered by Councilmember Michael P. Victorino.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, will you all please rise and recite the Pledge of Allegiance with me.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you. And, please turn off your, or turn your phones on silent mode, please. And, with that, we will proceed.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth floor lobby just outside the chamber door. Testimony on all locations is limited to items listed on today's agenda.

And, pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes, with one minute to conclude if requested. When testifying, please state your name, the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning, Chair. This is Dawn Lono at the Hana Office, and I have no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please introduce yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no testifiers.

COUNTY CLERK: Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai, and there is no one here waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, we have one individual who signed up to testify in the chamber. And, that person is Karlynn Fukuda, Executive Vice-President, testifying on County Communication No. 15-278, on behalf of Pulama Lanai.

CHAIR WHITE: Thank you, Mr. Clerk.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. KARLYNN FUKUDA (testifying on County Communication No. 15-278):

Good morning, Council Chair, and Members of the Maui County Council. My name is Karlynn Fukuda of Munekiyo Hiraga. I am here today to present testimony on behalf of Lynn McCrory, Senior Vice President of Government Affairs for Pulama Lanai.

I'd like to go ahead and read her testimony into the record.

Honorable Council Members:

This testimony is in support of the resolution "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE LANAI COMMUNITY PLAN". I am not able to attend the Council meeting today, and have asked Karlynn Fukuda of Munekiyo Hiraga to offer this testimony.

We are very close to the completion of the Lanai Community Plan, which commenced in 2013 and had an unprecedented tragedy occur during the process which resulted in an expanded timeframe. In meeting with Planning Committee Chair Don Couch, he indicates that we should be able to complete the Community Plan process by the end of January 2016. We do not have any issues with this timeframe and fully support going forward.

Thank you for your time and attention to this resolution. Mahalo.

Me ke aloha pumehana
With warm aloha,

Lynn P. McCrory
Senior Vice President of Government Affairs for Pulama Lanai.

Thank you.

CHAIR WHITE: Thank you, Ms. Fukuda.

Members, is there a need for clarification of the testimony? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber.

Hana Office, are there any additional testifiers?

MS. LONO: There's no one waiting to testify in the Hana Office.

COUNTY CLERK: Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

COUNTY CLERK: Molokai Office, are there any additional testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

COUNTY CLERK: Mr. Chair, there's no other individual in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

I see that we've received some written testimony. Members, without objection, we will receive that into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Lynn P. McCrory, Pulama Lanai; and
2. Maria Holmes.

CHAIR WHITE: Thank you. And, seeing that there are no further testifiers, public testimony is closed, without objection.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk, proceed.

COUNTY CLERK: Mr. Chair, we, we are in receipt of, okay.

Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of September 4, 2015.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO APPROVE THE MINUTES, COUNCIL MINUTES,
MEETING OF SEPTEMBER 4, 2015.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Victorino.

Any discussion?

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 15-152 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 74 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, PLAN REVIEW, PERMIT PROCESSING, AND INSPECTION REVOLVING FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I request the Clerk to read and bring up Committee Reports, up to 15-155.

CHAIR WHITE: Any objections, Members.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk, please proceed.

COMMITTEE REPORT

NO. 15-153 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 75 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (STATE OF HAWAII DEPARTMENT OF HEALTH)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

COMMITTEE REPORT

NO. 15-154 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 76 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF THE PROSECUTING ATTORNEY (STATE OF HAWAII GRANT-IN-AID (ACT 065 (15))), be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 15-152 UP TO 15-155, ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, all these Committee Reports are recommending to Council passage of first reading of various bills for ordinances.

I bring up, specifically, 15-154, which is \$150,000 appropriation from the State of Hawaii to assist the County Prosecuting Attorney regarding cases in drug court and mental health courts.

This, your Committee recommend that it be an LTA, limited term appointment. And, as of, as of this time, without additional funding in the future, there is no position. Thank you.

CHAIR WHITE: Members, any further discussion on these measures? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, I, the Clerk did not read into the record Bill No., Committee Report No. 15-155. Clerk stopped at 15-154. Would you want the Clerk to read it into the record?

CHAIR WHITE: Yes, please, please do so.

COMMITTEE REPORT

NO. 15-155 - BUDGET AND FINANCE COMMITTEE:

Recommending that Bill 77 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, DEPARTMENT OF PLANNING, ADMINISTRATION AND PLANNING PROGRAM (WAILUKU FIRST FRIDAY EVENTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Thank you, Mr. Clerk.

We don't need to take another vote right? Because the motion included that. Okay, thank you.

Please proceed to the next item.

COUNTY CLERK: For the record, for the record, Mr. Chair, Committee Report 15-152, BILL NO. 74 (2015); Committee Report 15-153, for the record, BILL 75 (2015); Committee Report 15-154, BILL 76 (2015); Committee Report 15-155, BILL NO. 77 (2015).

COMMITTEE REPORT

NO. 15-156 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 15-136, entitled "AUTHORIZING SETTLEMENT OF JUDSON K. MCCANDLESS V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-12-00096," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-156.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION, CHAIR.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on October 16, 2015, to consider the request to authorize settlement of Judson K. McCandless, workers' compensation claim.

A Deputy Corporation Counsel noted that Mr. McCandless was a County firefighter from February 2008 to December 2012. While he was on duty in January 2012, he

participated in a basketball game as part of his training program and injured his ankle. Mr. McCandless voluntarily left the County employment, but the County remains liable for his medical expenses.

The Fire Chief confirmed that basketball is one of the Department's, Fire and Public Safety's sanctioned training activities for aerobic exercise.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution authorizing settlement.

I ask the Members for the support of this motion. Thank you.

CHAIR WHITE: Thank you. Members any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 15-136.

COMMITTEE REPORT

NO. 15-157 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 15-137, entitled "AUTHORIZING SETTLEMENT OF WALTER HAVEKORST V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-09-01885," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-157.

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR WHITE: We have a motion by Mr. Guzman and a second by Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on October 16, 2015, to consider the request to authorize settlement of Walter Havekorst, workers' compensation claim.

A Deputy Corporation Counsel noted that Mr. Havekorst was employed as a land agent for the Department of Public Works. On September 8, 2009, he was seated at his desk while on the job and turned to pick up a file box. The box slipped and fell, and Mr. Havekorst attempted to pick it up again. When he did so he experienced pain in his back and his right leg. The pain later moved to his left leg.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution authorizing settlement. I ask the Members for their support of this motion. Thank you, Chair.

CHAIR WHITE: Thank you. Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-137.

COMMITTEE REPORT

NO. 15-158 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 15-138, entitled "AUTHORIZING SETTLEMENT OF IN THE MATTER OF THE GRIEVANCE ARBITRATION BETWEEN THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, ON BEHALF OF CLINTON GOUVEIA AND COUNTY OF MAUI, MAUI POLICE DEPARTMENT, SHOPO CASE NO. M-2014-073", be ADOPTED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-158.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Ms. Crivello.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Your Committee met on October 16, 2015, to consider the request to authorize settlement in the case of SHOPO Case M-2014-073.

A Deputy Corporation Counsel noted that the case involves the termination of Clinton Gouveia, a former police officer. The Department of Police terminated him because he, it was determined that he had assaulted a suspect using excessive force, using a Taser, and failed to report such conduct in the police report. He was prosecuted for assault but it was acquitted. The grievance action followed.

Following an executive meeting, your Committee voted 5-0 to recommend adoption of the proposed resolution authorizing settlement.

I ask the Members for their support of this motion. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-159 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION
COMMITTEE:

Recommending that County Communication 15-240, from Councilmember Elle Cochran, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO REQUIRE BABY DIAPER-CHANGING ACCOMMODATIONS FOR CERTAIN NEW ESTABLISHMENTS AND USES," be REFERRED to your Infrastructure and Environmental Management Committee.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN HOUSING,
HUMAN SERVICES, AND TRANSPORTATION COMMITTEE
REPORT NO. 15-159.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Ms. Baisa.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Committee met on October 15, 2015, to consider a proposed bill introduced by Councilmember Cochran to require baby diaper-changing accommodations for certain new establishments and uses.

The proposed bill would insert the new requirement into Title 8, relating to Health and Safety. Whether a new establishment or use is required to provide baby diaper-changing accommodations would generally be determined by the extent of building improvements or at the time of building permit review, pursuant to proposed Section 8.36.020, Maui County Code.

Your Committee discussed whether minimum-size standards should be incorporated into the trigger for establishments or uses, and whether added specificity is needed to understand what would constitute a diaper-changing accommodation. Your Committee also questioned how the requirement would apply in rural communities such as Lanai and Molokai.

Because the proposed bill involves questions relating to building permit requirements and would be administered by the Department of Public Works, your Committee felt it more appropriate for your Infrastructure and Environmental Management Committee to continue the review of the proposed bill.

Your Committee voted 4-0 to recommend referral of County Communication 15-240 to your Infrastructure and Environmental Management Committee.

I ask for the Council's full support of the motion on the floor.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this measure?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, thank you, Ms. Crivello for bringing it up for discussion in your Committee. And, I am very, very open, and happy to have it referred into IEM, which I Chair, and to seek further discussion on the matter. And, hopefully, process it through to a favorable item that everyone can be comfortable in passing out. So, thank you very much. And, looking for support on this motion.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-160 - PLANNING COMMITTEE:

Recommending that Resolution 15-139, entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL RELATING TO TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS," be ADOPTED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN PLANNING
COMMITTEE REPORT 15-160.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, with a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met on September 24, 2015, to review a proposed resolution to refer to the Planning Commissions a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS."

The purpose of the proposed bill is to delete the provision within the Comprehensive Zoning Ordinance that limits transient vacation rental use in planned developments to planned developments that's consisting of only duplexes or multifamily dwelling units.

Your Committee noted that the intent of the proposed bill is to allow transient vacation rental use at the 14-acre, 13-acre Alaeloa planned development in Napili, Maui, Hawaii.

A prior recommendation from your Committee relating to transient vacation rentals at Alaeloa was considered at your meeting of September 18, 2015, but the Committee's recommendations was not adopted.

Therefore, your Committee revised the proposed bill to clarify the intent is to allow transient vacation rental use in planned developments within residential zoning containing a combination of single-family and multifamily dwelling units, but not to allow the use in planned developments containing exclusively single-family dwelling units.

I respectfully ask for the Council's support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", one "no", Mr. Hokama.

Mr. Clerk.

COMMITTEE REPORT

NO. 15-161 - PLANNING COMMITTEE:

Recommending the following:

1. That Bill 78 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO WET BARS IN DWELLING UNITS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-66, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN PLANNING
COMMITTEE REPORT 15-161.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met three times to consider a proposed bill to define the term "wet bar" in the Comprehensive Zoning Ordinance, and to limit the number of wet bars in dwelling units depending upon the size of the home.

Your Committee noted that defining wet bars will support the object of regulating vacation rental accommodations, and limiting the number of wet bars, but will discourage the proliferation of multiple bedrooms with hotel-type amenities in private residences.

Your Committee recommended passage of the revised bill on the first reading, and filing of the communication.

I wanted to also mention that there was a huge discussion about number of kitchens in a home, and will commit to bring that up at a meeting in, in the next, upcoming year. So, I ask for the Members full support of the Committee's recommendations.

CHAIR WHITE: Thank you, Mr. Couch.

Members, discussion?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I will support this first reading with reservations. I am assured by the Chair of the Committee that he will bring up the kitchen issue. And, so, I'm confident that that will be done. I'm a little bit uncertain how this will work out, expanding the, the wet bar and limiting it. But, I will support it with reservations. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further comments?

Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you, Chair. And, for the record, I support Councilmember Guzman's position. Thank you.

CHAIR WHITE: Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I appreciate the, Chairman Couch's efforts on this subject. You know, we have hard enough time just enforcing our existing. I don't know how we're going to enforce this one. Cause, I mean, our community has change enough that more than likely they're going to do it illegally. They're not going to go through the process and get the right plumbing permits and what not.

So, you know, this exercise that we're going through, my frustrations again, enforcement, consistency to the, to the codes. So, you know, and I, I have my issues with--

COUNCILMEMBER BAISA: Chair.

COUNCILMEMBER HOKAMA: --whether or not this is going to really come through, Chairman.

CHAIR WHITE: Move your microphone a little closer next time.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I want to thank Mr. Hokama for his comments. One of the things that the Department said in this is that it, it is going to be most useful for when they review plans. And, when they see plans that indicate that this might be a wet bar, they can say okay, you get two and that's it, or three. And, and, if it looks bigger, I mean from the definition there, if it's bigger than a, what we have defined a wet bar, then they're going to call it a kitchen and, and deny it. So, it helps them in their plan review.

They have a, they've been able to, up to this time say yes or no, and then they have to fight. And, sometimes it even goes to Board of Variance and Appeals. But, now we have an ordinance that says this is what a wet bar is, this is what it's not; you choose. So, it's, it's helping them gets plans out quicker, and be able to deny what are obvious kitchens. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL NO. 78 (2015).

Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATION

NO. 15-264 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated October 15, 2015)

Transmitting 67 contracts/grants for September 2015.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request any Member to, at this time, to make their wishes known. If there is a contract or item in the Director of Finance's report that they would like to see the finance portion of Budget and Finance to review for consideration. I would ask if any Member would bring it up now. And if--

CHAIR WHITE: Any requests, Members?

Ms. Crivello, followed by Mr. Couch.

COUNCILMEMBER CRIVELLO: Thank you. I have, as far as coming under the Housing and Human Concerns Committee and Transportation. On page 1, the number C5839; page 2, number C5838; page 3, G3712-2; and then on page 5, there's C5325-3, C5326-3, C5327-4.

CHAIR WHITE: Okay.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I'd like to request C, on page 1, C1820-13. Thank you.

CHAIR WHITE: Members, any other requests for referral?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I'd like to also request a, the contract for C1820-13.

CHAIR WHITE: Okay.

Any others, Members?

Would you like to hear what those contracts pertain to or are you comfortable with just approving the approval, or approving the referrals as stated.

COUNCILMEMBER VICTORINO: Approving the referrals as stated.

CHAIR WHITE: Okay. No objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Okay, so ordered.

COUNCILMEMBER HOKAMA: Okay, Chairman, I, I know that Ms. Crivello's contracts, I believe her request is to go to her Committee?

COUNCILMEMBER CRIVELLO: Yea.

COUNCILMEMBER HOKAMA: So, I just wanted to make that clear, Mr. Chairman.

CHAIR WHITE: Okay. Thank you very much. So, Ms. Crivello, maybe you can just check with the Clerk at the, after the meeting just to make sure that all the numbers are, are headed to your Committee.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER HOKAMA: I'm not sure about Mr. Couch's; if you want it in Finance or you want it in, in another standing Committee, sir.

COUNCILMEMBER COUCH: It could be either that or EAR. But, I think that's the same one that Mr. Guzman brought up too.

COUNCILMEMBER HOKAMA: Right.

VICE-CHAIR GUZMAN: Is that the same one?

COUNCILMEMBER COUCH: Yea, I think so.

VICE-CHAIR GUZMAN: The bike.

COUNCILMEMBER COUCH: Yea, the bike one.

So, EAR is fine.

VICE-CHAIR GUZMAN: Or, Chair, I think maybe more appropriate in Ms. Cochran's Committee for IEM.

COUNCILMEMBER COUCH: Okay, fine.

CHAIR WHITE: Okay.

VICE-CHAIR GUZMAN: Ms. Cochran--

CHAIR WHITE: Could you state the number again, so, to make sure the Clerk gets the--

COUNCILMEMBER COUCH: C1820-13, the Time Extension - Kihei Bikeway at Piikea.

CHAIR WHITE: Thank you.

COUNCILMEMBER COCHRAN: Thank, thank you, Chair. Yea, if it fits most appropriately in my Committee, I'm very open to that. So, am I to understand that these contracts we're pulling up for discussion, we have a choice where we want to put them? Or is that to the discretion of OCS, like all our other communications are done?

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: No, basically, each of the, each of the Members is making recommendations and, and if we have no objections, then they'll go to the appropriate Committee, or the mentioned Committee.

COUNCILMEMBER COCHRAN: Okay, the suggested Committee?

CHAIR WHITE: Suggested, right, yea.

COUNCILMEMBER COCHRAN: Okay. Thank you.

COUNCILMEMBER HOKAMA: Chairman, I have a few more. And, just so the Members can understand, if it is a finance component of the contract you're looking at, then I would say it belongs in Budget and Finance.

COUNCILMEMBER BAISA: Yes.

COUNCILMEMBER HOKAMA: If it's the finance component of the contract, which is, we check what is, has been spent.

CHAIR WHITE: Right.

COUNCILMEMBER HOKAMA: If it's a subject matter on other things, the overall plan, I, I can understand why you want it to go to a subject matter Committee. And, and that would be fine.

Chairman, I would also like to take out of the listing for Budget and Finance Committee would be Contract C5250-4, that's the South Maui Gymnasium Design. I'm also going to ask that G3712-2, Heritage Hall construction contract, be committed to, sent to Committee. And, the rest, I think the other Members took care of. So, those are the two that I would ask be sent to Budget and Finance.

I THEREFORE, MOVE THAT ALL REMAINING CONTRACTS
ON THE SEPTEMBER 2015 LIST OF, THAT HAS BEEN
TRANSMITTED BY DIRECTOR OF FINANCE, BE FILED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: Okay, we have a motion from Mr. Hokama, with a second from Mr. Victorino.

Any further discussion, Members?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Just, there's a, at least in my mind, there's a bit of confusion cause Ms. Crivello asked for the Heritage Hall to go to her Committee too though.

COUNCILMEMBER HOKAMA: Okay, then that's fine. I'll leave it with her.

COUNCILMEMBER COUCH: Oh, okay.

And, I would like to add one more; C5545-2, please.

CHAIR WHITE: And, to what Committee?

COUNCILMEMBER COUCH: That would go to Ms. Cochran's Committee. It's the, basically the greenwaste haul from Hana Landfill.

CHAIR WHITE: Okay, thank you.

Members, any further items that you would like to have referred to Committee?

Okay, seeing none, any, any questions as to what referrals we are talking about? Okay, seeing none, all those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 15-265 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated October 19, 2015)

Reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of September 30, 2015.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I request that this be sent to Committee.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

Mr. Clerk.

The recommended action is that County Communication No. 15-265 be referred to the Budget and Finance Committee.

NO. 15-266 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated October 23, 2015)

Informing of the sale of \$60,155,000 of General Obligation Bonds on October 7, 2015.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE THAT COUNTY COMMUNICATION
15-266 BE FILED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the Director of Finance is required to inform Council of a sale of General Obligation Bonds. The Director is doing so far and, as well as announcing that he was able to secure for the County of Maui, a true interest rate of slightly over two percent, which is a very good rate for the County of Maui at this time.

CHAIR WHITE: Yea.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: Outstanding rate.

Mr. Couch. Oh, okay.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 15-267 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated October 27, 2015)

Transmitting the Supplemental Summary of Total Funded Indebtedness as of
October 27, 2015.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I request that this be sent to Committee.

CHAIR WHITE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

Mr. Clerk.

The recommended action is that County Communication No. 15-267 be referred to the Budget and Finance Committee.

NO. 15-268 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated October 28, 2015)

Transmitting two reports on settlement of claims as of September 30, 2015.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COUNTY COMMUNICATION
15-268 BE FILED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

CHAIR WHITE: Thank you.

Members, any discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 15-269 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND
RECREATION, (dated October 16, 2015)

Transmitting the semiannual report regarding park dedications for each community plan area for the period of April 1, 2015 through September 30, 2015.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Oh, thank you, Chair. Requesting the County Communication 15-269 be referred to Committee.

CHAIR WHITE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

The recommended action is that County Communication No. 15-269 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 15-270 - ALAN M. ARAKAWA, MAYOR,
(dated October 27, 2015)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Cultural Resources Commission due to the resignation of Jarrett Wong.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: This will be filed, this will be referred to the Committee.

CHAIR WHITE: Okay.

COUNCILMEMBER VICTORINO: Thank you.

CHAIR WHITE: Thank you.

Any objections, Members?

MEMBERS VOICED NO OBJECTION

CHAIR WHITE: No objections, so ordered.

Mr. Clerk.

The recommended action is that County Communication No. 15-270 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-271 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated October 6, 2015)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for July and August 2015 for all registered well reporters in the County of Maui.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, if I, with no objections, could we also call up 15-272, which is similar.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

NO. 15-272 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated October 7, 2015)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending September 2015.

CHAIR WHITE: Thank you.

Ms. Baisa.

COUNCILMEMBER BAISA:

YES, CHAIR, I MOVE THAT THESE REPORTS BE FILED.
THEY ARE ROUTINE REPORTS.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: Thank you. We have a motion from Ms. Baisa and a second from Mr. Victorino.

Ms. Baisa, any further discussion?

COUNCILMEMBER BAISA: No further discussion.

CHAIR WHITE: Members, any discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the following county communications are recommended to the following Committees as noted:

NO. 15-273 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated October 19, 2015)

Transmitting copies of Audit Report No. 15-01, "AUDIT OF THE COUNTY'S ROAD RESURFACING, IMPROVEMENT, AND MAINTENANCE PRACTICES".

The recommended action is that County Communication No. 15-273 be referred to the Budget and Finance Committee.

NO. 15-274 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated October 30, 2015)

Transmitting on behalf of the Department of Housing and Human Concerns, the 2015 Affordable Housing Fund Annual Plan and the following proposed bills reflecting appropriations for the proposed projects identified in the plan:

1. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, AFFORDABLE HOUSING FUND, 2015 HAWAII HOUSING PLANNING STUDY";
2. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, AFFORDABLE HOUSING FUND, ARC OF MAUI COUNTY GROUP HOME REHABILITATION/IMPROVEMENT PROJECT";

3. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, AFFORDABLE HOUSING FUND, FABMAC AFFORDABLE HOUSING PROJECT";
4. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, AFFORDABLE HOUSING FUND, KAIAULU AT KAAPALI PROJECT";
5. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, AFFORDABLE HOUSING FUND, ALOHA HOUSE CLEAN AND SOBER RESIDENTIAL ACQUISITION 2"; and
6. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, AFFORDABLE HOUSING FUND, HALE MAHAOLU EWALU SENIOR PROJECT PHASE I".

The recommended action is that County Communication No. 15-274 be referred to the Budget and Finance Committee.

NO. 15-275 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated October 28, 2015)

Transmitting a report of short term investments for the quarter ended September 30, 2015.

The recommended action is that County Communication No. 15-275 be referred to the Budget and Finance Committee.

NO. 15-276 - GLADYS C. BAISA, COUNCILMEMBER,
(dated October 22, 2015)

Relating to stormwater utilities.

The recommended action is that County Communication No. 15-276 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-277 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated October 16, 2015)

Relating to an application filed by Lawrence and Crystal Schmidt on behalf of the Maui Dragon Fruit Farm LLC, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING MAUI DRAGON FRUIT FARM LLC, A CONDITIONAL PERMIT TO CONDUCT AGRICULTURAL RELATED ACTIVITIES, SELL NON-AGRICULTURAL RELATED ITEMS AND AGRICULTURAL PRODUCTS NOT GROWN ON THE PROPERTY, AND TO CONDUCT CERTAIN SPECIAL EVENTS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 833 PUNAKEA LOOP, LAHAINA, MAUI, HAWAII", and related documents.

The recommended action is that County Communication No. 15-277 be referred to the Land Use Committee.

NO. 15-278 - DON COUCH, CHAIR, PLANNING COMMITTEE,
(dated October 30, 2015)

Transmitting a proposed resolution, entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE LANAI COMMUNITY PLAN".

The recommended action is that County Communication No. 15-278 be referred to the Planning Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 15-278 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 15-140. COUNTY COMMUNICATION NO. 15-278 WAS THEN FILED. See page nos. 34 through 39 for discussion.)

NO. 15-279 - TIVOLI F. FAAUMU, CHIEF OF POLICE,
(dated October 13, 2015)

Transmitting a proposed resolution, entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF A SCENT TRACKING DOG TO THE COUNTY OF MAUI POLICE DEPARTMENT, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 15-279 be referred to the Policy and Intergovernmental Affairs Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Couch.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 15-278

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I WANTED TO MOVE TO DISCHARGE FROM THE
PLANNING COMMITTEE, THE ITEM 15-278, WHICH IS
"APPROVING A TIME EXTENSION FOR THE COUNCIL TO
ENACT THE LANAI COMMUNITY PLAN".

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: Okay, we have a motion from Mr. Couch for discharge, and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This matter relates to the Council's extension of the deadline to enact a Lanai Community Plan which is November 21, 2015. Therefore, time is of the essence to, to discuss this.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT PURSUANT TO RULE 7(E) OF
THE RULES OF THE COUNCIL.

COUNCILMEMBER BAISA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Ms. Baisa.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Nothing further.

CHAIR WHITE: Thank you.

Members, any discussion? Seeing none, all those in favor of waiver, please signify
by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I move--

COUNCILMEMBER BAISA: You need six to waive right?

COUNCILMEMBER COUCH: Yea, we did.

COUNCILMEMBER BAISA: He said five.

COUNCILMEMBER COUCH: He said nine.

COUNCILMEMBER BAISA: Oh, okay, I must have heard wrong.

COUNCILMEMBER COUCH:

MR. CHAIR, I MOVE TO ADOPT THE PROPOSED
RESOLUTION ATTACHED TO COUNTY COMMUNICATION
15-278, ENTITLED "APPROVING A TIME EXTENSION FOR
THE COUNCIL TO ENACT A LANAI COMMUNITY PLAN",
AND TO FILE COUNTY COMMUNICATION 15-278.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, with a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, the reason we had to do the discharge is because this actually went into, or this item is in the Planning Committee as we speak so, I had to add that extra step.

Anyway, the resolution extends until March 15, 2016, the deadline for the Council to approve the Lanai Community Plan. The extension of less than four months would allow Planning Committee time to complete a thorough review of the plan, and require the required Council public hearing to be conducted. We had some issues

and it is now, I think it's pretty much typed up and ready to be submitted to the community.

But, I promised the community 30 days to look at it and discuss it a little bit before we brought it up again. So, that will take it past the November 21 date. So, I'm, urge everybody to support this resolution. Thank you.

CHAIR WHITE: Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I want to thank Chairman Couch for this consideration this morning. He is well aware, like I am, Chairman, of my community's frustration in this process. We're over there on that island when we told them we would pump it out in "x" amount of time for the review, and hopefully had that, been able to make a decision without an extension.

Things happen, I understand. But, I can tell you, Chairman, unless we put out information, it's amazing what 3,000 people can come up with why there's a delay. And, many, I would say, may not have been very accurate on why they perceive certain delays were happening.

But, things did happen, and so I appreciate Mr. Couch, Chairman Couch, trying to expedite it as soon as possible. Because if this is supposedly the easiest community plan to work on.

COUNCILMEMBER BAISA: Yea. Yes.

COUNCILMEMBER HOKAMA: And, this is what we're doing with the supposedly first and easiest, what happens to the whole process with all the remaining plans? Are we going to take a decade to go through the plans?

Again, maybe at another opportune time, the Council needs to discuss process and timing that fits something that makes sense to all of us, not include, not only the Councilmembers, but the community members, and the department personnel.

So, I just share some of my comments today because, one, it needs to be said regarding our community on Lanai. I know Ms. Crivello and Molokaians are going through a very active and verbally discussed community plan. I've seen some of their meetings on Akaku. So, I know that there's great participation in the community level.

I would not like to dampen the enthusiasm by making the process so arduous when it comes to us, that people feel, why did I invest my time and effort? So, I just share that with everyone, and I believe we all think the same of this body. So, I thank you for letting me share my point this morning.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I, I echo Mr. Hokama's frustrations on the process. And, I, I'm assured that the Department is working on language that we can come up with that will significantly improve that process. So, haven't seen it yet, but I keep poking them. Thank you.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you very much, Chair. I just want to add my comments. You know, ever since I Chaired the General Plan Committee, I have been on this rampage about needing a new process. And, I have met many times with the Planning Director, and I speak freely every chance I get. We need to get a new process. What we have is, doesn't work. It's dysfunctional, takes too long, takes too much money, and it's not current.

And, yet, all of the decisions that we have to make here, in terms of land use, investments, infrastructure are based on this plan. So, I think that we need to do a draconian change in the process. But, I will stay on it. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Any further discussions, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

And, Members are there any objections to the other referrals read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, thank you.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION 15-140.

Proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 68 (2015)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3
RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT
(CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 1746-A SOUTH KIHEI
ROAD, KIHEI, MAUI, HAWAII, THE SITE OF KIHANA NURSERY

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILL 68 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Mr. Victorino.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Bill 68 would grant a Change in Zoning from R-3 Residential District to B-2 Community Business District for a parcel consisting of 38.879 [sic] square feet at 1746-A South Kihei Road, Kihei, Maui, Hawaii, that serves as a site for the Kihana Nursery.

The Change in Zoning would make the subject's property zoning consistent with the Kihei-Makena Community Plan.

I appreciate the efforts of the applicant and their legal representatives to process the UA effectively, and ask for the Council's full support on this Bill 68.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 73 (2015)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.24A, MAUI COUNTY
CODE, RELATING TO EXCEPTIONAL TREES

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO PASS BILL 73 ON SECOND AND FINAL READING.

COUNCILMEMBER COCHRAN:

CHAIR, SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman, with a second from Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. This is, this bill basically is a housecleaning matter to make sure that the list that has been created after each ordinance, or at least nomination of the trees, be incorporated into one bill or, or one ordinance so that it can be easily referred to and brought forward to basically identify the trees.

Also in the bill is a standardization of the criteria for submission to the Committee and the Council for these type of nominations, to make it more efficient.

I also would like to ask the Members for their support of passage of this bill. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much, Mr. Clerk. And, thank you, Members.

VICE-CHAIR GUZMAN: Chair, can I have a, a--

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: --point of personal privilege. I just wanted to invite the general public, as well as the Members, that this weekend is Arbor, Arbor Day, and so the Maui Nui Botanical Gardens is giving 1,000 Hawaiian trees. It will be starting at 9 a.m. to 12 p.m.

And, so, also at the event, there will be experts that will recommend what type of Hawaiian tree would go well in your landscape or climate conditions in where you live.

So, I invite the public as well as the Members to celebrate Arbor Day this weekend, Saturday. Thank you.

CHAIR WHITE: Thank you.

Members, any other?

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yea. Tomorrow morning at 8 a.m., we will have a ride through, a bike ride through, through Hansen Road. And, so I'd like to invite the public for the rededication and the reopening of Hansen Road. It's been long anticipated and waited for.

It'll make communities, like Ms. Baisa's and yours, very interconnectable to Kihei and South Maui. Instead of going around Ho`okele, you would now be able to, to traverse Hansen Road.

And, I've driven it. Let me tell you, it is a major improvement from what we've been used to to. I just hope people will remember to slow it down, because now we don't have the natural speed bumps, which we called potholes. They're no longer there; they're gone.

But, it's a beautiful setup, and I hope the public will join us tomorrow morning at 8 a.m. on Hansen Road. We'll be meeting at the far end by the bridge, by HC&S, the parking area there. Thank you, Mr. Chair.

CHAIR WHITE: Can you give the, the public an answer to the question I'm sure everyone is asking is, did they straighten it out at all, or are the curves all still there?

COUNCILMEMBER VICTORINO: They, it still has curves. They, they straightened it out a bit, but still, the basic configuration that was there is basically still there. But, they've put shoulder lane, shoulders now for bike lanes, and for pedestrian walking in that area. So, that will help a little, you know, as far as the road itself.

CHAIR WHITE: All right. Thank you. And, with that, Members, we are adjourned. Thank you all very much.

ADJOURNMENT

The regular meeting of November 6, 2015 was adjourned by the Chair at 9:55 a.m.

A handwritten signature in black ink, reading "Dennis A. Mateo", written over a horizontal line.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



November 06, 2015

Council of the County of Maui
Council Chamber, 8th Floor
200 South High Street
Wailuku, HI 96793

Re: County Communications NO. 15-278, Resolution
Approving a Time Extension for the Council to Enact the Lānaʻi Community Plan

Honorable Council Members:

This testimony is in SUPPORT of the above Resolution. I am not able to attend the Council meeting today, and have asked Karlynn Fukuda of Munekiyo Hiraga to offer this testimony.

We are very close to the completion of the Lānaʻi Community Plan, which commenced in 2013 and had an unprecedented tragedy occur during the process which resulted in an expanded timeframe. In meeting with Planning Committee Chair Don Couch, he indicates that we should be able to complete the Community Plan process by the end of January 2016. We do not have any issues with this timeframe and fully support going forward.

Thank you for your time and attention to this Resolution. Mahalo!

Me ke aloha pumehana
With warm aloha,

Lynn P. McCrory
Senior Vice President of Government Affairs

C: Gwen Hiraga, Munekiyo Hiraga

November 3, 2015

Mayor Alan Arakawa
Maui County Council Members
County of Maui
200 S. High St.
Wailuku, HI 96793
county.clerk@mauicounty.us

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OFFICE OF THE
COUNTY CLERK

RE: Support of Office of Economic Development
Signature Events on Molokai:

Aloha Chair Hokama & Council Members:

On behalf of the organizing committees for the events listed below, we are thankful for the County of Maui's support to the Office of Economic Development in funding these various types of Sporting, Cultural and Agricultural events on Molokai. Events include:

- Pailolo Challenge – Hawaiian Canoe Club, Maui to Molokai Race
- Molokai Canoe Festivals presenting Kulaia – Aha Kukui o Molokai
- Molokai Makahiki
- Molokai 4H Livestock and Expo
- Festivals of Aloha, Maui County

Funding to OED for these events is vital to our community. These events fit well within our community plan; lifestyle and they bring much needed growth to the island. They also provide a good return on the County's investment by boosting sales to businesses on the island as well as providing visitors another good reason to choose Molokai as their travel destination.

I've worked closely with Teena Rassmusen and her staff at OED (both Maui and Molokai) over the past few years and they are always professional and eager to help.

We continue to ask for your support in setting aside funding for these types of events on Molokai.

Mahalo for your consideration;



Maria Holmes
Committee Member for
Molokai Canoe Festivals, Pailolo Challenge and Molokai 4H
P.O. Box 19
Kualapuu, HI 96757